

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-338-MOC-DSC**

SERITA RUSEELL and DORETHA)
JOHNSON, on behalf of themselves and others)
similarly situated,)

Plaintiffs,)

vs.)

ORDER

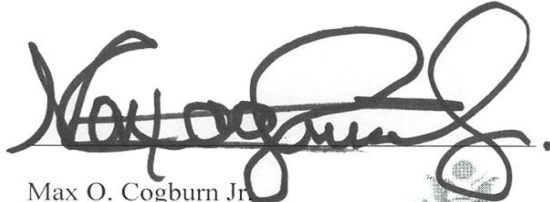
LAKE ARBOR 80M TIC, LLC, d/b/a)
LAKE ARBOR APARTMENTS, et al.,)
Defendants.)

THIS MATTER is before the Court on Plaintiffs’ Motion for Remand to State Court, (Doc. No. 13). Plaintiffs contend that the jurisdictional amount of more than \$5 million has not been met for Defendants to remove this class action lawsuit. See 28 U.S.C. § 1332(d). After conducting jurisdictional discovery, Defendants now consent to remand, conceding that the jurisdictional amount has not been met. See (Doc. No. 28, Notice of Consent to Motion to Remand). Therefore, the Court will remand this action to state court.

Plaintiffs request an award of costs and expenses, including attorneys' fees, incurred as the result of the removal pursuant to 28 U.S.C. § 1447(c). The Court in its discretion declines to do so here, as Defendants possessed an objectively reasonable basis for seeking removal. See Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005) (“[W]hen an objectively reasonable basis exists, fees should be denied.”).

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Remand to State Court, (Doc. No. 13), is **GRANTED** and this matter is remanded to state court. The parties shall each pay their own attorney fees and costs.

Signed: December 20, 2019



Max O. Cogburn Jr.
United States District Judge